

## INTERNATIONAL SEARCH REPORT

 Intern. Application No  
 PCT/US2004/033220

 A. CLASSIFICATION OF SUBJECT MATTER  
 IPC 7 C12N5/10 A61K35/00

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C12N A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the International search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, BIOSIS, MEDLINE

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages   | Relevant to claim No. |
|------------|--|-----------------------|
| X          | VAN R L R ET AL: "COMPLETE DIFFERENTIATION OF ADIPOCYTE PRECURSORS A CULTURE SYSTEM FOR STUDYING THE CELLULAR NATURE OF ADIPOSE TISSUE" CELL AND TISSUE RESEARCH, BERLIN, DE, vol. 195, no. 2, 1978, pages 317-329, XP009007037<br>page 318, paragraph 3 - paragraph 4; figure 1 | 1-31                  |
| X          | SODA R ET AL: "ADIPOCYTE STEM CELL: A BRIEF REVIEW" INTERNATIONAL JOURNAL OF CELL CLONING, ALPHAMED PRESS, DAYTON, OH, US, vol. 1, no. 2, 1983, pages 79-84, XP009007124<br>ISSN: 0737-1454<br>page 80, paragraph 3 - paragraph 4<br>-----<br>-/-                                | 1-31                  |

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

## \* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*&\* document member of the same patent family

Date of the actual completion of the international search

16 December 2004

Date of mailing of the international search report

25. 07. 2005

Name and mailing address of the ISA

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## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages   | Relevant to claim No. |
|------------|--|-----------------------|
| X          | ZUK P A ET AL: "Multilineage cells from human adipose tissue: Implications for cell-based therapies"<br>TISSUE ENGINEERING, LARCHMONT, NY, US, vol. 7, no. 2, April 2001 (2001-04), pages 211-228, XP002198710<br>ISSN: 1076-3279<br>page 212, paragraph 5 - page 213, paragraph 1; table 2<br>----- | 1-31                  |
| X          | WO 03/024215 A (MACROPORE BIOSURGERY INC)<br>27 March 2003 (2003-03-27)<br>page 7, line 24 - page 8, line 12; claim 1<br>-----   | 1-31                  |
| X          | WO 01/62901 A (GIMBLE JEFFREY ; ARTECEL SCIENCES INC (US); WILKISON WILLIAM O (US)) 30 August 2001 (2001-08-30)<br>page 7, line 20 - page 9, line 3<br>-----   | 1-31                  |
| X          | WO 00/44882 A (HALVORSEN YUAN DI CHANG ; ZEN BIO INC (US); WILKISON WILLIAM O (US)) 3 August 2000 (2000-08-03)<br>the whole document<br>-----  | 1-31                  |

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## Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.:  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:  
**see FURTHER INFORMATION sheet PCT/ISA/210**
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

**see additional sheet**

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

**1-31**

### Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

**FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210**

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-31

Methods for preparing cells from an adipose tissue sample.  
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2. claims: 32-150

Methods for preparing cells from a collagen-based tissue sample and kits containing such cells.  
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FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

## Continuation of Box II.2

Present claims 1-31 relate to cells defined by reference to a desirable characteristic or property, namely their "stem cell" character. The claims cover cells having this characteristic or property, whereas the application provides support within the meaning of Article 6 PCT and disclosure within the meaning of Article 5 PCT for only viable cells derived from adipose tissue, without any proof whatsoever of their stem cell character. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

# INTERNATIONAL SEARCH REPORT

information on patent family members

International Application No  
PCT/US2004/033220

| Patent document<br>cited in search report | Publication<br>date | Patent family<br>member(s)   | Publication<br>date  |
|---|---------------------|--|--|
| WO 03024215 A                             | 27-03-2003          | US 2003054331 A1<br>CA 2460402 A1<br>EP 1427279 A1<br>JP 2005502712 T<br>WO 03024215 A1                | 20-03-2003<br>27-03-2003<br>16-06-2004<br>27-01-2005<br>27-03-2003               |
| WO 0162901 A                              | 30-08-2001          | AU 3869501 A<br>CA 2400485 A1<br>EP 1261694 A2<br>JP 2003523767 T<br>WO 0162901 A2<br>US 2001033834 A1 | 03-09-2001<br>30-08-2001<br>04-12-2002<br>12-08-2003<br>30-08-2001<br>25-10-2001 |
| WO 0044882 A                              | 03-08-2000          | US 6153432 A<br>WO 0044882 A2  | 28-11-2000<br>03-08-2000   |